



Application No. 09/788,061

PATENT

OCT 05 2001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to Commissioner of Patents and Trademarks, Washington, D.C. 20231 on September 26, 2001.


Carmen E. Aquino

Applicant : Theodore Trost, et al.
Application No. : 09/788,061
Filed : February 16, 2001
Title : BLUETOOTH BASEBAND SOLUTION
WITH REDUCED PROCESSOR
REQUIREMENTS AND INTEGRATED
HOST CONTROLLER

Grp./Div. : 2681
Examiner : To be assigned

Docket No. : 41524/CAG/B600

DECLARATION IN SUPPORT OF PETITION UNDER 37 C.F.R. 1.47

Assistant Commissioner for Patents
Washington, D.C. 20231

Post Office Box 7068
Pasadena, CA 91109-7068
September 26, 2001

Commissioner:

I, Christopher C. Winslade, hereby declare:

1. I am outside legal counsel for Broadcom Corporation. I have been retained for the purpose of resolving with Alahyar Alan Mikhak an alleged dispute as to ownership of rights in the patent application identified above (hereafter the "Application").

2. By way of letter dated August 10, 2001, I informed James B. Hicks, legal counsel for Mr. Mikhak, of Mr. Mikhak's obligations to assign his rights in the Application to Broadcom Corporation. A true copy of this declaration is being filed herewith.

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DEPUTY A/C PATENTS

and correct copy of the August 10, 2001 letter is attached as Exhibit A.

3. Shortly thereafter, I caused a copy of a completed Declaration for the Application, along with a letter dated August 15, 2001, to be shipped to Mr. Hicks via Federal Express with postage being charged to a corporate account number. In the August 15 letter, I informed Mr. Hicks that "[i]f we do not receive the properly executed originals of the enclosed documents by September 5, 2001, we will assume Mr. Mikhak refuses to sign, and will proceed accordingly." A true and correct copy of the August 15, 2001 letter and the Declaration is attached as Exhibits B and C, respectively.

4. As of the date of execution of this document given below, I have not received an executed Declaration from Mr. Mikhak in connection with the Application.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date

9/26/01

By


Christopher C. Winslade

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August 10, 2001

VIA FEDERAL EXPRESS

James B. Hicks
Ervin, Cohen & Jessup
9401 Wilshire Boulevard, Ninth Floor
Beverly Hills, California 90212-2974

Re: Alahyar Alan Mikhak/Broadcom Corp.

Dear Mr. Hicks:

Our firm has been retained by Broadcom with respect to Mr. Mikhak's alleged dispute over the ownership of certain Broadcom patent applications, namely, the following applications:

"Wireless Cable Replacement System" and

"Bluetooth Baseband Solution with Reduced Processor Requirements and Integrated Host Controller."

This letter is to inform Mr. Mikhak that Broadcom is proceeding with prosecution of these applications, U.S. and foreign, as though Broadcom is the assignee of these applications.

Broadcom has given Mr. Mikhak ample opportunity to provide the basis for his position that he is an owner of these applications, but Broadcom has received no response. Mr. Richard Block indicated in a phone conversation with Mr. James D. Bennett, Director of Intellectual Property at Broadcom, that he would provide to Broadcom a basis for Mr. Mikhak's position, but never did (despite Broadcom's subsequent written follow-up request). Broadcom has waited months for an explanation of Mr. Mikhak's position, and has incurred substantial fees in the delay and in having to address Mr. Mikhak's allegations.

Broadcom's position that Broadcom is the proper legal owner of these applications is based on at least the following documents, which are enclosed:

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 ADMITTED TO PRACTICE
 IN MINNESOTA

August 15, 2001

VIA FEDERAL EXPRESS

James B. Hicks
 Ervin, Cohen & Jessup
 9401 Wilshire Boulevard, Ninth Floor
 Beverly Hills, California 90212-2974

Re: Alahyar Alan Mikhak/Broadcom Corp.

Dear Mr. Hicks:

Further to our August 10, 2001 letter, enclosed is a Declaration for Patent Application and an Assignment for each of the "Wireless Cable Replacement System" patent application and the "Bluetooth Baseband Solution With Reduced Processor Requirements And Integrated Host Controller" patent application. Once you have had an opportunity to review the documents accompanying our August 10, 2001 letter, I am sure you will agree that Mr. Mikhak is obligated to execute the enclosed documents.

Accordingly, please have Mr. Mikhak execute each of the enclosed Declarations and Assignments, taking care to have his signature notarized on the Assignments. If we do not receive properly executed originals of the enclosed documents by September 5, 2001, we will assume that Mr. Mikhak refuses to sign, and will proceed accordingly. In any case, Broadcom fully intends to continue prosecution of these applications.

With regard to your fax of today, it is our understanding that you have already received copies of the relevant applications as filed. We believe the applications are all that is needed for Mr. Mikhak to execute the enclosed Declarations. Without any evidence that Mr. Mikhak has any ownership interest in these applications, it is Broadcom's position that he does not have a right to the other materials and correspondence you have requested.

Very truly yours,

Christopher C. Winslade

cc: James D. Bennett, Esq.
 CCW:rdp
 Enclosures

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DECLARATION FOR PATENT APPLICATION

As the below-named inventor, I hereby declare that:
my residence, post office address, and citizenship are as stated below next to my name.

I believe I am original, and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled

**BLUETOOTH BASEBAND SOLUTION WITH REDUCED PROCESSOR REQUIREMENTS
AND INTEGRATED HOST CONTROLLER**

the specification which was filed on February 16, 2001, Serial No. 09/788,061.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims.

I hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or § 365(b) of the foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below, any foreign application for patent or inventor's certificate, or PCT International application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)

<u>Application Number</u>	<u>Country</u>	<u>Filing Date (day/month/year)</u>	<u>Priority Claimed</u>
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I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below.

<u>Application Number</u>	<u>Filing Date</u>
60/183,076	February 16, 2000

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s), or any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty of disclose information which is material to patentability as defined in 37 CFR § 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application:

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Application Number

Filing Date

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of joint inventor: Alahyar Alan Mikhak

Inventor's signature _____ Date _____

Resident Address _____ Citizenship United States

Post Office Address Calabasas, California